



11-03-08

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PTO/SB/21 (10-07)

Approved for use through 10/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

| | | |
|--|--|----------------------------------|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | Application Number | 08/208,972 (U.S. Pat.#5,451,233) |
| | Filing Date | 03/09/1994 |
| | First Named Inventor | Paul G. Yock |
| | Art Unit | N/A |
| | Examiner Name | N/A |
| | Total Number of Pages in This Submission | Attorney Docket Number |

ENCLOSURES *(Check all that apply)*

| | | |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): Disclosure Submission Pursuant to 37 CFR 1.765 (2 pages) with Appendices A-C |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application | <input type="checkbox"/> Landscape Table on CD | |
| <input type="checkbox"/> <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | Remarks Original and two copies submitted. | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|---|----------|--------|
| Firm Name | Baker Botts L.L.P. | | |
| Signature |  | | |
| Printed name | Jason C. Chumney | | |
| Date | 10/31/2008 | Reg. No. | 54,781 |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

| | |
|-----------------------|------|
| The date shown below: | |
| Signature | |
| Typed or printed name | Date |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



FEE TRANSMITTAL for FY 2007

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$0)

Complete if Known

| | |
|----------------------|----------------------------------|
| Application Number | 08/208,972 (U.S. Pat.#5,451,233) |
| Filing Date | 03/09/1994 |
| First Named Inventor | Paul G. Yock |
| Examiner Name | N/A |
| Art Unit | N/A |
| Attorney Docket No. | 077843.0113 |

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account:

Deposit Account Number
Deposit Account Name

02-4377

Baker Botts L.L.P.

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

ADDITIONAL FEES

| | |
|--------------------------|---|
| <input type="checkbox"/> | Surcharge - late oath or filing fee |
| <input type="checkbox"/> | Non-English Specification |
| <input type="checkbox"/> | Extension for reply within first month |
| <input type="checkbox"/> | Extension for reply within second month |
| <input type="checkbox"/> | Extension for reply within third month |
| <input type="checkbox"/> | Extension for reply within fourth month |
| <input type="checkbox"/> | Extension for reply within fifth month |
| <input type="checkbox"/> | Notice of Appeal |
| <input type="checkbox"/> | Filing a brief in support of an appeal |
| <input type="checkbox"/> | Petition to revive - unavoidable |
| <input type="checkbox"/> | Petition to revive - unintentional |
| <input type="checkbox"/> | Utility Issue Fee |
| <input type="checkbox"/> | Design Issue Fee |
| <input type="checkbox"/> | Publication Fee |
| <input type="checkbox"/> | Petitions to the Commissioner |
| <input type="checkbox"/> | Request for Continued Examination (RCE) |
| <input type="checkbox"/> | Information Disclosure Statement (IDS) |

FEE CALCULATION

Extra Claim Fees

| | Extra Claims | Fee | Fee Paid |
|--------------|----------------------|------|----------|
| Total Claims | <input type="text"/> | x 52 | = \$0 |

| | | | |
|--------------------|----------------------|-------|-------|
| Independent Claims | <input type="text"/> | x 220 | = \$0 |
|--------------------|----------------------|-------|-------|

| | | |
|--------------------|----------------------|-------|
| Multiple Dependent | <input type="text"/> | = \$0 |
|--------------------|----------------------|-------|

| | | |
|----------|----------------------|-----|
| SUBTOTAL | <input type="text"/> | \$0 |
|----------|----------------------|-----|

| | | |
|-----------------|--------------|--------------|
| Fee Description | Large Entity | Small Entity |
|-----------------|--------------|--------------|

| | | |
|------------------------|-------------------------|-------------------------|
| Claims in excess of 20 | <input type="text"/> 52 | <input type="text"/> 26 |
|------------------------|-------------------------|-------------------------|

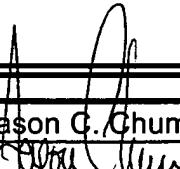
| | | |
|-----------------------------------|--------------------------|--------------------------|
| Independent claims in excess of 3 | <input type="text"/> 220 | <input type="text"/> 110 |
|-----------------------------------|--------------------------|--------------------------|

| | | |
|---------------------------------------|--------------------------|--------------------------|
| Multiple dependent claim, if not paid | <input type="text"/> 390 | <input type="text"/> 195 |
|---------------------------------------|--------------------------|--------------------------|

Other fee - Disclosure Submission Pursuant to 37 CFR Section 1.765 with Appendices A-C

SUBTOTAL (\$0)

(Complete if applicable)

| | | | | | |
|-------------------|---|--------------------------------------|--------|-----------|--------------|
| Name (Print/Type) | Jason C. Chumney | Registration No. (Attorney/Agent) | 54,781 | Telephone | 212-408-2500 |
| Signature |  | | | | |
| | Date 10/31/2008 | | | | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Application No. (if known): 08/208,9723

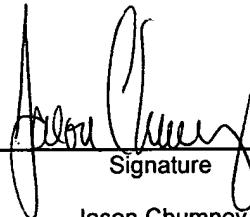
Attorney Docket No.: 077843.0113

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No ED 762055927 US in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on October 31, 2008
Date



Signature

Jason Chumney

Typed or printed name of person signing Certificate

54,781
Registration Number, if applicable

212-408-2500
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

1. DISCLOSURE STATEMENT PURSUANT TO 37 CFR § 1.765 (2 pages) with Appendices A-C and attachments (with 2 additional copies)
2. Transmittal Form (1 page)
3. Fee Transmittal Form (1 page)
4. Return Receipt Postcard



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: : U.S. Patent No. 5,451,233 (U.S.S.N. 08/208,972)

Issued: : September 19, 1995 Regulatory Approval Product: XIENCE™ V EECSS

Inventors : Paul G. Yock

For : Angioplasty Apparatus Facilitating Rapid Exchanges

DISCLOSURE SUBMISSION PURSUANT TO 37 CFR § 1.765

SUBMITTED VIA EXPRESS MAIL

Mail Stop: Hatch-Waxman PTE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Further to the Disclosure Submission filed with the United States Patent and Trademark Office ("USPTO") on September 22, 2008, Applicant formally submits herewith information and materials that may be relevant to a determination of entitlement to the extension sought pursuant to 35 U.S.C. § 156 for U.S. Patent No. 5,451,233 ("the '233 Patent"). Although not necessarily material or adverse to any such determination, the following information and materials is provided for consideration pursuant to 37 C.F.R. § 1.765.

Appendix A: Order issued on October 21, 2008 in connection with Medtronic, Inc.'s Motion to Modify Injunction in *Advanced Cardiovascular Systems, Inc. v. Medtronic, Inc.* (C.A. No. 95-03577);

Appendix B: Supplement to the Citizen Petition submitted on August 22, 2008 in connection with FDA Docket No. FDA-2008-P-0473, as filed on behalf of AngioScore, Inc.

and dated October 24, 2008 (without Exhibit A thereof, which is included herewith as Appendix A); and

Appendix C: Comments of Abbott Cardiovascular Systems to the Citizen Petition in connection with FDA Docket No. FDA-2008-P-0473, dated October 28, 2008 (without Exhibit C thereof, which is included herewith as Appendix A).

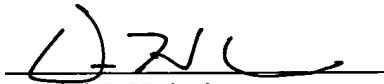
Additionally, it is noted that submissions made in connection with FDA Docket No. FDA-2008-P-0473 are available at <http://www.regulations.gov/search/index.jsp>.

Applicant believes the '233 Patent is eligible for an extension pursuant to 35 U.S.C. §156 based upon FDA approval of the XIENCE™ V EECSS. Applicant respectfully submits that the materials submitted herewith do not adversely impact the eligibility of the '233 Patent for such an extension. The USPTO and/or FDA are invited to contact the undersigned with any questions or requests for additional information regarding this matter.

Applicant authorizes the Commissioner to charge any fees and/or credit any overpayments associated with this submission to Baker Botts L.L.P. Deposit Account No. 02-4377, Ref. No. 077843.0113.

Date: October 31, 2008

Respectfully submitted,


Daniel J. Hulseberg
Patent Office Reg. No. 36,554
Attorneys for Applicant
Customer No. 62,614
BAKER BOTTS L.L.P.
30 Rockefeller Plaza
New York, NY 10112-4498
(212) 408-2500

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Inventors : Paul G. Yock

For : Angioplasty Apparatus Facilitating Rapid Exchanges

DISCLOSURE SUBMISSION PURSUANT TO 37 CFR § 1.765**SUBMITTED VIA EXPRESS MAIL**

Mail Stop: Hatch-Waxman PTE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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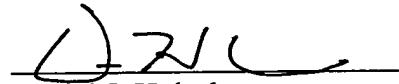
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